



W.P.(MD) No.1382 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1382 of 2023

I.Irulappan @ Pitchai

... Petitioner

Vs.

**1.The District Collector,
Madurai District,
Madurai.**

**2.The Village President,
(Village Panchayat),
Pothumbu Village,
Madurai District.**

**3.The Tahsildhar,
Madurai North Taluk,
Madurai.**

**4.The Revenue Divisional Officer,
Pothumbu Village,
Madurai North Taluk,**

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WEB COM Madurai.

5.Manikandan

6.Mayilaeri

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 05.01.2022 and to remove the encroachments made by the respondents 5 and 6 in the public street in Survey Nos. 120/2B, 155/2, 155/9 and 84/1A1, Pothumbu Second Bit Village, Madurai North Taluk, Madurai District.

For Petitioner : Mr.J.Barathan
For Respondents : Mr.M.Sarangan,
Addl. Govt. Pleader for R1, R3 & R4
Mr.K.Balasubramani,
Special Govt. Pleader for R2

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated



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05.01.2022 and to remove the encroachments made by the respondents 5 and 6 in the public street in Survey Nos.120/2B, 155/2, 155/9 and 84/1A1, Pothumbu Second Bit Village, Madurai North Taluk, Madurai District.

2. Heard Mr.J.Barathan, learned counsel for the petitioner, Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents 1, 3 and 4 and Mr.K.Balasubramani, learned Special Government Pleader, who takes notice for the second respondent. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 5 and 6 is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the respondents 5 and 6 have made encroachments in the aforesaid survey number and in this regard, though the petitioner made a representation on 05.01.2022,



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seeking to remove the aforesaid encroachments, till date, no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.

5. The learned Additional Government Pleader appearing for the respondents 1, 3 and 4 submitted that the land comprised in S.No.120/2B belongs to the National Highways Department and the encroachments have been removed from the aforesaid survey number. He further submitted that the lands in S.Nos.155/2, 155/9 and 84/A1 belong to the Panchayat and necessary action will be taken for removal of encroachment in the aforesaid survey numbers.

6. In view of the aforesaid submission, we direct the third respondent to consider the petitioner's representation dated 05.01.2022 and pass orders on merits and in accordance with law. If there is any encroachment in the aforesaid survey numbers, the third respondent is directed to remove the encroachment, after providing sufficient opportunity to the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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7. With the above directions, this Writ Petition is disposed of. No costs.

[D.K.K., J.] [R.V., J.]

25.01.2023

NCC : Yes / No

Index : Yes / No

vsm

To

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3.The Tahsildhar,
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4.The Revenue Divisional Officer,
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